

FILED

JUL 27 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

RICHARD MERINO BASCAL,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-71442

Agency No. A44-453-299

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 24, 2006^{**}

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Richard Merino Bascal, a native and citizen of the Philippines, petitions for review of an order of the Board of Immigration Appeals (“BIA”) dismissing his appeal from an immigration judge’s removal order. We have jurisdiction pursuant

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

to 8 U.S.C. § 1252, *Parrilla v. Gonzales*, 414 F.3d 1038, 1040 (9th Cir. 2005), and deny the petition for review.

Reviewing de novo, *Altamirano v. Gonzales*, 427 F.3d 586, 591 (9th Cir. 2005), we conclude that the BIA properly determined that Bascal’s conviction pursuant to California Penal Code § 261.5(a) for unlawful sexual intercourse with a person under the age of 18 years is categorically a conviction for “sexual abuse of a minor.” *See Afridi v. Gonzales*, 442 F.3d 1212, 1217 (9th Cir. 2006). Accordingly, Bascal is removable as an aggravated felon. *See* 8 U.S.C. §§ 1101(a)(43)(A), 1227(a)(2)(A)(iii).

PETITION FOR REVIEW DENIED.